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Attorney for Plaintiff Eliza Rosas

United States District Court
Northern District of California
San Francisco Division

ELIZA ROSAS,

Plaintiff

v.

Michael J. Astrue, Commissioner of Social
Security,

Defendant

Case No.: CV 08 3511 VRW

PARTIES' STIPULATION TO CONTINUE
DATES IN ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE AND ADR
DEADLINES; DECLARATION OF DAVID
POLIN [Local Rule 6-2]

Currently Scheduled Initial Case Management
Conference: 11/16/2008

Time: 3:30 p.m.

Courtroom: 6, 17th floor

To the Court:

The parties hereby stipulate and request the Court's approval to reschedule all the dates on the original Scheduling Order, issued on July 22, 2008, for the following reasons:

As stated in the accompanying Declaration of David Polin, the complaint in this case was filed, and the Order issued, prematurely. The complaint was submitted with a petition to proceed *in forma pauperis*, and was not properly filed until the Court ruled on the petition. The Clerk

erroneously filed the complaint, and issued the Scheduling Order, while the *in forma pauperis* petition was still pending. Eventually, the Court ruled on the *in forma pauperis* petition, a summons was issued and process was served expeditiously, but the earliest dates set in the scheduling order are more than a month before the defendant will be required to answer. Using September 16 as the date of service, defendant is not required to answer until Monday, November 17, 2008, while the last day to meet and confer is October 16, and the Initial Case Management Conference is set for November 6.

In short, the scheduled dates provide the parties with little actual time to meet and confer, and seem to conflict with the allowed time to answer. Plaintiff's attorney discussed this matter with a member of the Clerk's staff, and was advised to proceed through stipulation.

Therefore, the parties stipulate to extend all the scheduled dates on the Order by 90 days, as specified in the Order below.

There have been no previous time modifications in this case.


The effect of the requested modification would be to allow the parties a reasonable time after the presumptive date of the defendant's answer to meet and confer and be properly prepared for the Initial Case Management Conference. The parties do not anticipate that this rescheduling will have a substantial impact on the eventual progress of the case.

IT IS SO STIPULATED.

Dated: 10/14/08


Attorney for Plaintiff

Dated: 10/14/08


Attorney for Defendants

APPROVED AND SO ORDERED

Good cause being shown, pursuant to the stipulation of the parties, the Court orders:

- (1) The last day to meet and confer is extended from October 16, 2008 to January 14, 2009;
- (2) the last day to file Rule 26(f) Report is extended from October 30, 2008 to January 28, 2009;
- (3) the date of the Initial Case Management Conference is extended from November 6, 2008, to Thursday, February 5, 2009.

Dated: 10/16/08

